

Amendment No. 2 to HB0785

Sargent
Signature of Sponsor

AMEND Senate Bill No. 1335

House Bill No. 785*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 9, Part 2 is amended by adding the following as new sections:

69-9-227.

(a) As used in this section:

(1) "Non-motorized vessels" means canoes, kayaks, stand-up paddle boards, tubes, and any other vessels powered only by their occupants and propelled by manual methods, including, but not limited to paddles and oars; and

(2) "Waters of Tennessee" means any waters within the territorial limits of this state, except privately owned ponds or lakes not used for commercial purposes.

(b)

(1) The commission is hereby authorized to establish rules, regulations, permits, and procedures regulating all aspects of commercial operations that lease or rent non-motorized vessels for non-commercial use by the public on the waters of Tennessee.

(2) The regulatory authority granted under subdivision (b)(1) shall not apply to commercial outfitters operating pursuant to and in possession of a permit issued by the United States forest service on waters in and adjacent to the Cherokee National Forest.

69-9-228.

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(a) Upon the approach of an authorized emergency vessel making use of flashing lights, the operator of every other vessel shall yield the right-of-way and shall slow to a no wake speed or immediately move over at least one hundred feet (100') to a position of safety from the emergency vessels, clear of any other vessel, until the authorized emergency vessel has passed, except when otherwise directed by operators of emergency vessels.

(b) Upon approaching a stationary authorized emergency vessel, when the vessel is giving a signal by use of flashing lights, a person operating an approaching vessel shall, while proceeding with due caution, yield the right-of-way by slowing to a no wake speed or moving over at least one hundred feet (100') to a position of safety from the emergency vessels, clear of any other motorized vessel, if possible, with due regard to safety and boat traffic conditions.

(c)

(1) A violation of this section is a Class C misdemeanor.

(2) Notwithstanding § 8-21-401, the court costs imposed or assessed against any person convicted of a violation of this section may not exceed the maximum fine amount that may be imposed for a violation of this section.

(3) Nothing in this subdivision (c) shall be construed as precluding a person who violates this section from being prosecuted and convicted under any other applicable offense.

(d) This section shall not operate to relieve the operator of an authorized emergency vessel, from the duty to operate the vessel with due regard for the safety of all persons located in the vicinity of such vessels on the waters of Tennessee.

SECTION 2. Tennessee Code Annotated, Section 69-9-226, is amended by deleting subdivision (b)(2) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 69-9-226(d), is amended by deleting the language "This subsection (d) shall not apply to renters of watercraft."

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it.